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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,440	02/19/2002	Yoshiyuki Nakamura	7217/66548	9184

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EXAMINER

AN, SHAWN S

ART UNIT PAPER NUMBER

2613

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/079,440

Applicant(s)

NAKAMURA, YOSHIYUKI

Examiner

Shawn S An

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 6 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Whitehead (6,698,905 B1).

**Regarding claim 1**, Whitehead discloses an on-board video camera comprising , comprising:

imaging means for converting imaging light into an electrical imaging signal and outputting the image signal as a video signal in a predetermined format (col. 9, lines 62-67)

light emitting means for lighting an imaging area of the imaging means (col. 9, lines 40-49); and

control means for controlling an imaging operation of the imaging means and the lighting operation of the light emitting means so as to be operably synchronized with each other (col. 9, lines 51-57).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead (6,698,905 B1).

**Regarding claim 2**, Whitehead does not particularly disclose the light emitting means for emitting infrared light in a predetermined band, and the imaging device being responsive to an infrared signal component in the predetermined band.

However, Whitehead discloses a vehicle surveillance comprising an infrared sensing (col. 14, lines 33-40).

Furthermore, a conventional camera capable of infrared sensing is well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an on-board video camera as taught by Whitehead to utilize the infrared sensing in such a way that the light emitting means emits infrared light in a predetermined band, and the imaging device being responsive to an infrared signal component in the predetermined band as an alternative way to achieve the on-board vehicle surveillance.

**Regarding claims 3 and 6**, Whitehead does not particularly disclose the control means causing the light emitting means to emit light during the imaging operation of the imaging means when the control means detects that a vehicle light or a turn signal has been turned on.

However, Whitehead discloses the control means causing the light emitting means to emit light during the imaging operation of the imaging means when the control means detects that an ignition switch has been turned on (col. 9, lines 51-57).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an on-board video camera as taught by Whitehead to utilize the control means for controlling the light emitting means to emit light during the imaging operation of the imaging means (result) when the control means detects that a vehicle light or a turn signal has been turned on as an alternative design choice, thereby being able to choose the initial start operation of the light emitting means and the imaging means under certain conditions as desired by the driver/user.

**Regarding claim 5**, Whitehead does not particularly disclose the imaging means and the light emitting means being included in a housing that forms an outside mirror of a vehicle.

However, Whitehead discloses the imaging means and the light emitting means being included in a housing that forms a rearview mirror of a vehicle (col. 10, lines 33-49).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing an on-board video camera as taught by Whitehead to re-locate the imaging means and the light emitting means to be included in a housing that forms an outside mirror of a vehicle as an alternative design choice so that a different field of view may be observed by the driver/user.

#### ***Allowable Subject Matter***

5. Claim 4 is objected to as being dependent upon a rejected base claim 1, but would be allowable: if claim 4 is rewritten in independent form including all of the limitations of the base claim 1 and any intervening claims.

Dependent claim 4 recites the novel features, wherein the control means determines illuminance of the surroundings of a vehicle, and causes the light emitting means to emit light during the imaging operation of the imaging means according to a determined illuminance.

Accordingly, if the amendments are made to the claims listed above, and if rejected claims are canceled, the application would be placed in condition for allowance.

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

A) Lang et al (6,583,730), Surveillance apparatus for a vehicle.

7. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Shawn S An whose telephone number is 703-305-0099. The Examiner can normally be reached on Flex hours (10).

9. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SSA

Primary Patent Examiner

8/5/04